

REMARKS

Claims 57-66 are active in this application.

The rejections of: (a) Claims 57-66 under 35 U.S.C. §102(a) over Sweeney et al and (b) Claims 57-66 under 35 U.S.C. §103(a) over Sweeney et al and US 5,747,536 is respectfully traversed on the grounds that Sweeney et al is not the “work of another” and, therefore, is not prior art.

By virtue of the Petition under 37 C.F.R. §1.48(a), **submitted herewith**, to correct the inventorship of the present application, Secondo Dottori and Arduino Arduini are inventors of the present application. JD Sweeney, AJ Blair, A Arduini, and J Petrucci are named as authors of Sweeney et al, L-CARNITINE AND L-ACETYLCARNITINE MAY REDUCE GLYCOLYSIS IN STORED PLATELET CONCENTRATES, Vox Sanguinis, (June 1998), 74(1): 1226, 25<sup>th</sup> Congress of International Society of Blood Transfusion, Oslo, Norway, June 27-July 2, 1998.

As set forth in the Declaration under 37 C.F.R. §1.131, **submitted herewith**, which is respectfully requested to be treated as a Declaration under 37 C.F.R. §1.132, the information presented in the disclosure of Sweeney et al relied upon by the Examiner to reject the claimed invention is the disclosure of Applicant’s own work and is not the work of another. JD Sweeney and AJ Blair were only assistants in carrying out the experiments.

In view of the foregoing, Sweeney et al is not the “work of another” and, therefore, is not available as prior art under 35 U.S.C. §102(a).

Withdrawal of this ground of rejection is requested.

The rejection of Claims 58, 59, 63, and 64 under 35 U.S.C. §112, second paragraph, is respectfully traversed.

The Examiner indicated that Claims 58, 59, 63, and 64 are indefinite because it "is unclear if the concentration limitations in the claims are the final concentrations of carnitine in the platelet concentrate or merely an intermediate concentration such as a stock solution concentration." Applicants submit that Claims 58, 59, 63, and 64 are indeed clear as the concentrations in these claims reflect, as explicitly stated in the claims, the concentration of the compound in the support solution. As stated in Claims 57 and 62, the platelet concentrate is suspended in the support solution and it is the support solution that contains the compound at the recited concentration, not the platelet concentrate *per se* as suggested by the Examiner.

In view of the foregoing, Applicants request withdrawal of this ground of rejection.

Applicants submit that the present application is now in condition for allowance.  
Early notification of such action is earnestly solicited.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.  
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DOCKET NO.: 247518US0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :  
SECONDO DOTTORI : ATTN: APPLICATIONS DIVISION  
SERIAL NO.: 10/756,368 :  
FILED: JANUARY 14, 2004 :  
FOR: SUPPRESSION OF BACTERIAL GROWTH IN PLASMA BY ADDITION OF L-  
CARNITINE, OR ESTERS OR SALTS THEREOF

DECLARATION UNDER 37 C.F.R. §1.131

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Now comes Secondo Dottori and Arduino Arduini who depose and state that:

1. JD Sweeney, AJ Blair, A Arduini, and J Petrucci are named as authors of Sweeney et al, L-CARNITINE AND L-ACETYLCARNITINE MAY REDUCE GLYCOLYSIS IN STORED PLATELET CONCENTRATES, Vox Sanguinis, (June 1998), 74(1): 1226, 25<sup>th</sup> Congress of International Society of Blood Transfusion, Oslo, Norway, June 27-July 2, 1998.
2. Secondo Dottori and Arduino Arduini are the named inventors of U.S. Application 10/756,368, filed on January 14, 2004.
3. The information presented in the disclosure of Sweeney et al relied upon by the Examiner to reject the claimed invention is the disclosure of Applicant's own work and is not the work of another. JD Sweeney and AJ Blair were only assistants in carrying out the experiments.
4. The undersigned petitioner declares further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed

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Application Serial No. 10/756,368  
Declaration under 37 C.F.R. §1.131

to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

5. Further deponents saith not.

x Notar. fr

Secondo Dottori

Arduino Arduini

Arduino Arduini

September 25, 2006

Date

September 25, 2006

Date



DOCKET NO.: 247518US0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

SECONDO DOTTORI

: ATTN: APPLICATIONS DIVISION

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FOR: SUPPRESSION OF BACTERIAL GROWTH IN PLASMA BY ADDITION OF L-CARNITINE, OR ESTERS OR SALTS THEREOF

DECLARATION STATEMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

SIR:

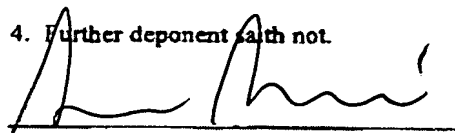
Now comes Arduino Arduini who deposes and state that:

1. I, Arduino Arduini, am an inventor of U.S. Application 10/756,368, filed on January 14, 2004.

2. I affirm that the error in inventorship in U.S. Application 10/756,368, filed on January 14, 2004, occurred without deceptive intent on my behalf.

3. The undersigned petitioner declares further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

4. Further deponent faith not.

  
Arduino Arduini

  
Date

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